

12-23-02

9P1641/54

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/912,266
Filing Date	July 24, 2001
First Named Inventor	James E. Fleming
Group Art Unit	1641
Examiner Name	Gabel Gailene
Attorney Docket No.	390054.402

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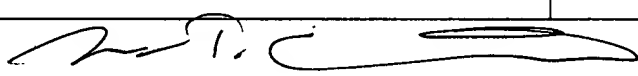
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	William T. Christiansen, Ph.D.	 00500 PATENT TRADEMARK OFFICE
Signature		
Date	December 19, 2002	

VIA EXPRESS MAIL



FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 200

Complete if Known	
Application Number	09/912,266
Filing Date	July 24, 2001
First Named Inventor	James E. Fleming
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METHOD OF PAYMENT																																															
<input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other																																															
<input type="checkbox"/> Deposit Account: Deposit Account Number: 19-1090 Deposit Account Name: Seed Intellectual Property Law Group PLLC																																															
The Commissioner is authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any deficiencies																																															
to the above-identified deposit account.																																															
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.																																															
FEE CALCULATION																																															
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>740</td> <td>2001</td> <td>370</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>330</td> <td>2002</td> <td>165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003</td> <td>510</td> <td>2003</td> <td>255</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>740</td> <td>2004</td> <td>370</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1005</td> <td>160</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="5">SUBTOTAL (1)</td> <td>(\$)</td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	740	2001	370	Utility filing fee		1002	330	2002	165	Design filing fee		1003	510	2003	255	Plant filing fee		1004	740	2004	370	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1)					(\$)
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2. EXTRA CLAIM FEES <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Independent Claims</th> <th>Multiple Dependent</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>18</td> <td>3</td> <td></td> <td>-33** = 0</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td>-8** = 0</td> <td></td> <td></td> </tr> </tbody> </table>		Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid	18	3		-33** = 0						-8** = 0																														
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**or number previously paid, if greater; For Reissues, see above																																															

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	200
1253	920	2253	460	Extension for reply within third month	
1254	1440	2254	720	Extension for reply within fourth month	
1255	1960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1280	1453	640	Petition to revive - unintentional	
1501	1280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$)
					200

SUBMITTED BY			
Name (Print/Type)	William T. Christiansen, Ph.D.	Registration No. Attorney/Agent	44,614
Firm Name/Address			
Signature		Date	December 19, 2002

00500
 PATENT TRADEMARK OFFICE

8/a
1/6/03
lw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James E. Fleming et al.
Application No. : 09/912,266
Filed : July 24, 2001
For : METHOD AND APPARATUS FOR VIABLE AND NONVIABLE
PROKARYOTIC AND EUKARYOTIC CELL QUANTITATION



Examiner : Gailene Gabel
Art Unit : 1641
Docket No. : 390054.402
Date : December 19, 2002

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Commissioner for Patents
Washington, DC 20231

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated September 30, 2002, please extend the period of time for response two months, to expire on December 30, 2002. Enclosed are a Petition for an Extension of Time and the requisite fee.

In response to the Restriction Requirement dated September 30, 2002, applicants hereby elect Group II, claims 9-24 and 27-28, drawn to a method of quantitating total populations and live cells and kit therefore, for examination at this time.

In view of the above election, applicants hereby cancel claims 1-8, 25-26, 29-32 and 33 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. Consideration of the elected claims is now requested.

Respectfully submitted,

James E. Fleming et al.

Seed Intellectual Property Law Group PLLC

William T. Christiansen, Ph.D.

Registration No. 44,614

WTC:jto

Enclosure:

Postcard

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